

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

APPLICATION 9432 PERMIT 5400 LICENSE 4358

ORDER APPROVING CHANGE
IN SOURCES, POINTS OF DIVERSION, PLACE OF USE,
AND AMENDING THE LICENSE

WHEREAS:

1. License 4358 was issued to the Water Users of Williams Tract No. 1 on May 21, 1956, pursuant to Application 9432.
2. License 4358 was filed with the County Recorder of Mono County on June 8, 1956.
3. License 4358 was subsequently assigned to the June Lake Public Utility District (District).
4. A Petition for Change has been filed with the State Water Resources Control Board (SWRCB).
5. On December 22, 1995, the California Sportfishing Protection Alliance's protest was resolved based on a bypass condition for Fern Creek, which shall be included in this Order.
6. The petitioned changes would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the source be amended to read:
 - 1) Unnamed spring tributary to Reversed Creek; and 2) Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake in Mono County.

(0000001)

2. The license condition regarding the points of diversion be amended to read:
 - A) South 3,500 feet and West 2,400 feet from NE corner of Section 21, T2S, R26E, MDB&M, being with NW¼ of SE¼ of said Section. Also described as California Coordinate System, Zone 3, North 460,800, East 2,402,300.
 - B) South 2,500 feet and East 900 feet from NW corner of Section 22, T2S, R26E, MDB&M, being within the SW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 3, North 461,800, East 2,405,600. (0000002)
3. The license condition regarding the purpose of use be amended to read: municipal and domestic (0000003)
4. The license condition regarding the place of use be amended to read:

The "Down-Canyon Water Service Area" is described as follows:

Within the SE¼ of SE¼ of Section 8, within the W½ of SW¼ of Section 9, within the SW¼ and the S½ of NW¼ of Section 15, within the S½ and the NW¼ of Section 16, within the E½ of Section 17, within the E½ of Section 20, within the N½ and the N½ of S½ of Section 21, within the N½ and the NW¼ of SW¼ of Section 22; all being within T2S, R26E, MDB&M, as shown on a map on file with the SWRCB.

(0000004)

5. A new condition be added to the license to read as follows:

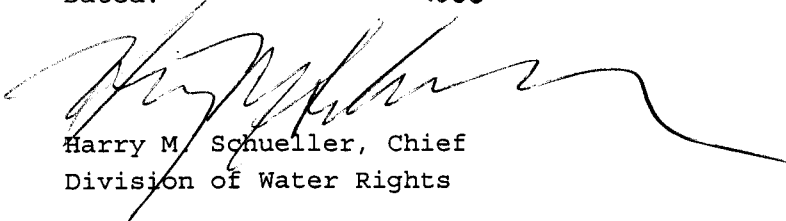
The District shall install and maintain a permanent piped bypass around the Fern Creek source sized such that a minimum of 200 gallons per minute will always flow by the diversion regardless of water use by the District, and configured such that it cannot be restricted or plugged. (0050400)
(0350400)
6. The SWRCB'S continuing authority condition be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with the law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce returnflow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: OCTOBER 2 1998



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 9432 Permit 5400 License 4358

ORDER AMENDING LICENSE

WHEREAS:

1. License 4358 was issued to Water Users of Williams Tract No. 1, June Lake, California, and recorded at the office of the Mono County Recorder on June 8, 1956.
2. License 4358 was subsequently assigned to June Lake Public Utility District.
3. License 4358 confers upon June Lake Public Utilities District an appropriative right to use water from an unnamed stream tributary to Reversed Creek thence Rush Creek and Mono Lake in Mono County.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. The License was issued without referencing compliance with Section 5937.
6. Since amendment of License 4358 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

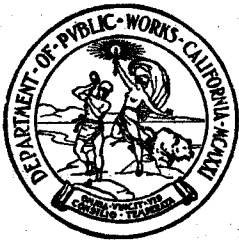
NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: - JUNE 13 1997


Walt Pettit
Executive Director



STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 9432

PERMIT 5400

LICENSE 4358

THIS IS TO CERTIFY, That Water Users of Williams Tract No. 1

c/o Robert E. De Noon

June Lake, California

have made proof as of July 17, 1955,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of unnamed stream in Mono County

tributary to Reversed Creek thence Rush Creek and Mono Lake

for the purpose of domestic use

under Permit 5400

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from October 4, 1938; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed sixteen thousand (16,000) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located south two thousand (2,000) feet and west two hundred (200) feet from NE corner of Section 21, T2S, R26E, MDB&M, being within SE1/4 of NE1/4 of said Section 21.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NE1/4 of NE1/4 of Section 21, T2S, R26E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of May, 1956

HARVEY O. BANKS, State Engineer

By *L. C. Johnson*
L. C. JOHNSON
Assistant State Engineer

5-6-80 Asgato Williams Tract County Water Dist.

LICENSE 4358

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Water Users of Williams Tract No. 1

DATED MAY 21 1956

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